

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

In re: PHARMACEUTICAL INDUSTRY	)	
AVERAGE WHOLESALE PRICE	)	
LITIGATION	)	MDL No. 1456
_____	)	Civil Action No. 01-12257-PBS
	)	
<b>THIS DOCUMENT RELATES TO:</b>	)	Hon. Patti Saris
	)	
<i>United States of America, ex rel. Ven-a-Care</i>	)	
<i>of the Florida Keys, Inc., v. Abbott</i>	)	
<i>Laboratories, Inc., and Hospira, Inc.</i>	)	
CIVIL ACTION NO. 06-11337-PBS	)	

**PLAINTIFFS' RESPONSE TO ABBOTT LABORATORIES, INC.'S  
MOTION FOR ENTRY OF CASE MANAGEMENT ORDER**

On August 18, 2006, Abbott Laboratories, Inc. ("Abbott") filed a Motion for Entry of Case Management Order ("CMO") and to Order Commencement of Discovery ("Abbott's CMO Motion"). On August 22, 2006, Plaintiffs filed their Motion to Continue the CMO 9 Stay Until Entry of a Comprehensive Case Management Order ("Plaintiffs' CMO Motion"). In their CMO Motion, Plaintiffs asked to be allowed until September 15, 2006 to file a proposed comprehensive CMO addressing a broader range of discovery scope, timing, scheduling and volume issues so that discovery will proceed efficiently in this matter and without undue burden to the parties.

On August 25, 2006, the Court granted Plaintiffs' CMO Motion. Accordingly, Plaintiffs will be filing their proposed comprehensive CMO and objections to Abbott's discovery requests on September 15. At that time, Plaintiffs will also address, as necessary, any issues raised in Abbott's CMO motion.

Respectfully submitted,  
For the United States of America,

MICHAEL J. SULLIVAN  
UNITED STATES ATTORNEY

PETER D. KEISLER  
ASSISTANT ATTORNEY GENERAL

George B. Henderson, II  
Damian Wilmot  
Assistant U.S. Attorneys  
John Joseph Moakley U.S. Courthouse  
Suite 9200, 1 Courthouse Way  
Boston, MA 02210  
Phone: (617) 748-3398  
Fax: (617) 748-3272

R. ALEXANDER ACOSTA  
UNITED STATES ATTORNEY  
SOUTHERN DISTRICT OF FLORIDA

/s/ Mark A. Lavine  
Mark A. Lavine  
Ana Maria Martinez  
Ann St.Peter-Griffith  
Special Assistant U.S. Attorneys  
99 N.E. 4th Street, 3rd Floor  
Miami, FL 33132  
Phone: (305) 961-9003  
Fax: (305) 536-4101

For the relator, Ven-A-Care of the Florida  
Keys, Inc.,

/s/ James J. Breen  
James J. Breen  
The Breen Law Firm, P.A.  
3350 S.W. 148th Avenue  
Suite 110  
Miramar, FL 33027  
Tel: (954) 874-1635  
Fax: (954) 874-1705  
Email: [jbreen@breenlaw.com](mailto:jbreen@breenlaw.com)

/s/ Gejaa T. Gobena  
Michael F. Hertz  
Joyce R. Branda  
Renée Brooker  
Justin Draycott  
Gejaa T. Gobena  
Civil Division  
Commercial Litigation Branch  
P. O. Box 261  
Ben Franklin Station  
Washington, D.C. 20044  
Phone: (202) 307-1088  
Fax: (202) 307-3852

Dated: August 31, 2006

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day caused an electronic copy of the above **UNITED STATES' RESPONSE TO DEFENDANT'S MOTION FOR ENTRY OF CASE MANAGEMENT ORDER** to be served on all counsel of record via electronic service pursuant to Paragraph 11 of Case Management Order No. 2 by sending a copy to LexisNexis File & Serve for posting and notification to all parties.

Dated: August 31, 2006

/s/ Damian W. Wilmot  
Damian W. Wilmot

**SERVICE LIST**

James J. Breen  
The Breen Law Firm, P.A.  
3350 S.W. 148th Avenue  
Suite 110  
Miramar, FL 33027  
Tel: (954) 874-1635  
Fax: (954) 874-1705  
Email: [jbreen@breenlaw.com](mailto:jbreen@breenlaw.com)  
*Counsel for Relator*

Mark P. Schnapp, Esquire  
Sabrina R. Ferris, Esquire  
Greenberg Traurig, P.A.  
1221 Brickell Avenue  
Miami, Florida 33131  
Tel: (305) 579-0541  
Fax: (305) 579-0717  
Email: [SchnappM@gtlaw.com](mailto:SchnappM@gtlaw.com)  
Email: [FerrisS@gtlaw.com](mailto:FerrisS@gtlaw.com)

Daniel Reidy, Esq.  
James Daly, Esq.  
Jones, Day, Reavis & Pogue  
77 West Wacker  
Chicago, Illinois 60601-1692  
Tel: (312) 782-3939  
Fax: (312) 782-8585  
Email: [jrdaly@jonesday.com](mailto:jrdaly@jonesday.com)

*Counsel for Defendants*